



NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions for Week of August 26, 2013

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#13-75 *Tract 19051 Homeowners Assn. v. Kemp*, S211596. (B236015; nonpublished opinion; Los Angeles County Superior Court; BC398978.) Petition for review after the Court of Appeal reversed an award of attorney fees and otherwise affirmed the judgment in a civil action. The court limited review to the following issue: Is a prevailing homeowner entitled to attorney fees under Civil Code section 1354 in an action by a homeowners association to enforce its governing documents as those of a common interest development when the homeowner prevailed because it was later determined that the subdivision was not such a development and its governing documents had not been properly reenacted?

STATUS

#13-31 *Baltazar v. Forever 21, Inc.*, S208345. The court directed briefing in this case, in which briefing was previously deferred pending decision in *Wisdom v. Accentcare, Inc.*, S200128 (#12-35), review dismissed July 24, 2013. This case presents the following issue: Is an employment arbitration agreement unconscionable for lack of mutuality if it contains a clause providing that either party may seek provisional injunctive relief in the courts and the employer is more likely to seek such relief?

#13-67 *People v. Fuquay*, S211076.

#13-68 *People v. Mortimer*, S211072.

In these two cases in which review was previously granted, the court ordered briefing deferred pending decision in pending decision in *People v. Blackburn*, S211078 (#13-66), and *People v. Tran*, S211329 (#13-69), which present the following issues: Did the trial court prejudicially err by failing to advise defendant of his right to jury trial and obtain a

personal waiver of that right, and does the Court of Appeal have authority to declare a rule of procedure for the trial courts?

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